

STATE OF NEW JERSEY
Office of the Attorney General
Department of Law and Public Safety
Division of Gaming Enforcement

Petition of DGMB Casino, LLC d/b/a Resorts
Casino Hotel for Waiver of *N.J.A.C. 13:69I2.2(d)*
(Waiver of Alcoholic Beverage Regulation -
“Combination Sale”)

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ORDER
PRN 341101

By its Petition (PRN 341101), DGMB Casino, LLC d/b/a Resorts Casino Hotel (“Resorts”) seeks permission to waive the Division of Gaming Enforcement (“Division”) regulation, found at Division’s regulation *N.J.A.C. 13:69I2.2(d)*, prohibiting the combination sale of an alcoholic beverage with other non-alcoholic items and services. Resorts’ request is made in conjunction with a proposed marketing promotion in which a patron can purchase a package consisting of the use of a VIP table which seats up to eight (8) persons, at a lounge within Resort, the choice of a 750ml bottle of either distilled spirits or wine (with non-alcoholic option) and a voucher for a hotel room stay, at a future date, the details of which were described in its Petition and subsequent letter amendments. Resorts seeks the relief in anticipation of a proposed amendment by the Division to its regulatory requirement that would allow such combination sales subject to those conditions and restrictions set forth in the amendment. The amended regulation, published in the New Jersey Register on September 19, 2011 and adopted without change on November 21, 2011, will become effective on December 19, 2011. Due to the anticipated demand for Resorts’ promotion during the holiday season, Resorts seeks a waiver of the existing regulation to offer its proposed marketing promotion prior to the effective date of the amended regulation.

Having considered the relevant provisions of the Casino Control Act, *N.J.S.A. 5:12-1 et seq.*, and the Division's authority to relax or permit deviations from its rules under *N.J.A.C. 13:69-1.3(d)* in special cases and for good cause shown, and having found that good cause exists to allow a deviation of the current prohibition since the relief requested in the Petition will be permissible on December 19, 2011, I hereby ORDER that the Petition be granted and Resorts be permitted to offer the subject promotion with the following conditions:

1. The promotion will be conducted in accordance with the descriptions and representations contained in the Petition, as amended.
2. No person under the age of twenty-one (21) will be invited by Resorts to participate, or be allowed to participate, in the promotion and Resorts CHAB employees who are conducting the promotion will insure against providing alcoholic beverages to any individual who is under the age at which a person can purchase and consume alcoholic beverages.
3. In conducting the promotion, Resorts will comply with all requirements attendant to Type II CHAB authorization, pursuant to *N.J.S.A. 5:12-103g(2)*, and with all applicable alcoholic beverage laws and regulations of the New Jersey Division of Alcoholic Beverage Control and the Division of Gaming Enforcement.

Dated: December 8, 2011


DAVID REBUCK
ACTING DIRECTOR